ATTACHMENT A
Remarks

Claims 1-21 now stand pending in this application, with claims 19-21 being newly added. This amendment is intended to more clearly define and claim the present invention.

Favorable consideration is respectfully requested.

END REMARKS

ATTACHMENT B
Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently Amended) An instrument for spreading at least two adjacent vertebrae and/or retaining at least two adjacent vertebrae in a spaced apart condition, comprising:

a plurality of anchor screws, each having a forward end securable to a vertebrae and a rear end remote therefrom,

a frame member comprising at least two arms, each arm having a tube at least in part encircling one of the anchor screws, and a connecting member connecting the arms for movement of the arms toward and away from each other, and

a retaining structure for ~~tightening~~ securing each of the anchor screws to its respective tube.

2. (Currently Amended) An instrument according to claim 1, the retaining structure for each anchor screw engaging the rear end of the anchor screw and securely tightening it against the rear end of the tube.

3. (Original) An instrument according to claim 2, wherein the rear end of each anchor screw is threaded, and the retaining structure comprises a threaded nut which threadedly engages the rear end of the anchor screw.

4. (Original) An instrument according to claim 2, wherein the rear end of each anchor is located in a recess formed in the top of its respective tube, and the retaining structure is also located in said recess.

5. (Original) An instrument according to claim 1, wherein the connecting member comprises a connecting bar having two telescopic members, one arm connected to each of said telescopic members, such that telescopic movement of one of the telescopic members relative to the other causes the arms to move toward and away from each other.

6. (Original) An instrument according to claim 5, the inner of the two telescopic members being a toothed rod and the outer of the two telescopic members having a toothed wheel fixed thereto which engages the toothed rod for moving the two telescopic members relative to each other.

7. (Original) An instrument according to claim 6, including a releasable catch mounted on the outer of the telescopic members and engaging the teeth on the inner of the telescopic members for permitting free movement of the two telescopic members relative to each other in one direction but stopping movement of the two telescopic members relative to each other in the other direction.

8. (Original) An instrument according to claim 1, including two anchor screws securable to adjacent vertebrae, the frame member having a pair of arms, each arm having a tube encircling at least in part one of the anchor screws.

9. (Original) An instrument according to claim 8, wherein the retaining structure engages the rear end of its anchor screw and tightly engages the rear end of the tube.

10. (Original) An instrument according to claim 9, wherein the connecting member comprises two telescopic members, one arm connected to each of said telescopic members, such that telescopic movement of one of the telescopic members relative to the other causes the arms to move toward and away from each other.

11. (Original) An instrument according to claim 10, including a releasable catch mounted on the outer of the telescopic members and engaging the teeth on the inner of the telescopic members for permitting free movement of the two telescopic members relative to each other in one direction but stopping movement of the two telescopic members relative to each other in the other direction.

12. (Original) An instrument according to claim 1, the connecting member being a bar member, the two arms movable along the bar.

13. (Original) An instrument according to claim 1, including three anchor screws securable to three adjacent vertebrae, the frame member having three arms, each having a tube engaging one of the anchor screws.

14. (Original) An instrument according to claim 13, wherein the retaining structure comprises a threaded nut which threadedly engages the rear end of the anchor screw.

15. (Original) A method for separating adjacent vertebrae from each other and maintaining them in a spaced apart condition, comprising the steps of:

attaching anchor screws to at least two adjacent vertebrae, which anchor screws are operatively mounted to a frame to be freely moveable away from each other but not freely moveable towards each other,

separating the adjacent vertebrae from each other by a mechanism other than through the anchor screws, as the anchor screws are moved, under the force of the separation, away from each other, and then retaining the adjacent vertebrae in the spaced apart condition with the anchor screws after the adjacent vertebrae have been separated.

16. (Original) A method according to claim 15, wherein the step of separating the adjacent vertebrae from each other includes engaging the intervertebral space between the adjacent vertebrae with a distracter instrument after the anchor screws have been secured to the vertebrae and the frame.

17. (Original) A method according to claim 15, including securing two anchor screws into two adjacent vertebrae.

18. (Original) A method according to claim 15, including securing three anchor screws, one to each of three adjacent vertebrae.

19. (New) An instrument according to claim 1, wherein the retaining structure is a non-threaded securing structure.

20. (New) An instrument according to claim 19, wherein the non-threaded securing structure is a resilient cap.

21. (New) An instrument according to claim 19, wherein the non-threaded securing structure is a bayonet-type joint.